

United States District Court

EASTERN DISTRICT OF WISCONSIN

JUDGMENT IN A CIVIL CASE

UNITED STATES OF AMERICA,

V.

CASE NUMBER: **92-C-1007**
(00-Cr-153)

MILTON S. JONES,

Movant.

- ☐ **Jury Verdict.** This action came before the Court for a trial by jury. The issues have been tried and the jury has rendered its verdict.
- ☒ **Decision by Court.** This action came on for consideration and a decision has been rendered.

IT IS ORDERED AND ADJUDGED that Milton S. Jones' petition pursuant to Title 28, United States Code, Section 2255, is **DISMISSED**.

(1) His claim that he was denied effective assistance of counsel because trial counsel incorrectly advised him as to the possible sentence he faced if he proceeds to trial is denied because Jones failed to allege that his trial counsel's calculation was not undertaken in good faith;

(2) His claim that he was denied effective assistance of counsel because trial counsel had a conflict of interest that caused him not to call a witness is denied because Jones fails to prove that his trial counsel's alleged "conflict of interest" adversely affected his counsel's performance at trial;

(3) His claim that the government failed to disclose potentially exculpatory evidence is denied because Jones provides no reason to believe that the fingerprint report showed

anything different that what the parties stipulated to at trial;

(4) His claim he is entitled to eleven months credit on his sentence because the Court failed to adjust his sentence to credit the time he spent in state custody is denied because it is not a constitutional claim and must be raised on directed appeal first.

This case is hereby DISMISSED.

February 13, 2006

Date

SOFRON B. NEDILSKY

Clerk

s/ Linda M. Zik

(By) Deputy Clerk